

Agency 106

Kansas Commission on Peace Officers' Standards and Training (KSCPOST)

Editor's Note:

The Kansas Commission on Peace Officer's Standards and Training (KSCPOST) was created pursuant to L. 2006, Ch. 170, which became effective July 1, 2006. KSCPOST is the successor in authority to the Law Enforcement Training Commission. L. 2006, Ch. 170 also transferred certain powers, duties and functions from the Law Enforcement Training Center (Agency 107) to the Kansas Commission on Peace Officer's Standards and Training (Agency 106).

Articles

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Article 1.—PEACE OFFICERS STANDARDS AND TRAINING

106-1-1 and 106-1-2. (Authorized by and implementing K.S.A. 1983 Supp. 74-5616; effective, T-84-31, Nov. 22, 1983; effective May 1, 1984; revoked, T-106-6-28-12, July 1, 2012; revoked Oct. 12, 2012.)

106-1-3. (Authorized by and implementing K.S.A. 1983 Supp. 74-5616; effective, T-84-31, Nov. 22, 1983; effective May 1, 1984; amended May 1, 1985; revoked, T-106-6-28-12, July 1, 2012; revoked Oct. 12, 2012.)

106-1-4, 106-1-5, and 106-1-6. (Authorized by and implementing K.S.A. 1983 Supp. 74-5616; effective, T-84-31, Nov. 22, 1983; effective May 1, 1984; revoked, T-106-6-28-12, July 1, 2012; revoked Oct. 12, 2012.)

106-1-7 and 106-1-8. (Authorized by and implementing K.S.A. 1983 Supp. 74-5616; effective, T-84-31, Nov. 22, 1983; effective May 1, 1984; amended May 1, 1985; revoked, T-106-6-28-12, July 1, 2012; revoked Oct. 12, 2012.)

Article 2.—DEFINITIONS

106-2-1. General definitions. (a) "Applicant" means a person seeking certification as an officer.

(b) "Appointing authority" means a person or

group of persons empowered by a statute, local ordinance, or other lawful authority to make human resource decisions that affect the employment of officers. A sheriff shall be deemed to be that individual's own appointing authority.

(c) "Basic training course" means a curriculum of instruction that meets the training requirements for certification as an officer.

(d) "Criminal history record information" has the same meaning as that specified in K.S.A. 22-4701, and amendments thereto.

(e) "Legitimate law enforcement purpose" means a goal within the lawful authority of an officer that is to be achieved through methods or conduct condoned by the officer's appointing authority.

(f) "Officer" means a "police officer" or "law enforcement officer," as defined in K.S.A. 74-5602 and amendments thereto, who has been granted any certification by the commission.

(g) "Official document or official communication" means information created or transferred, in any medium, in the course of performing the duties of an officer required by law or by policies or procedures of an appointing authority.

(h) "Other training authority" means an organization or individual with a curriculum of instruction and assessments in firearms or emergency vehicle operation that the director of police training has determined may provide training equivalent

to instructor courses offered at the training center.

(i) "Public safety concern" means reason to believe that the health, safety, or welfare of the public at large would be adversely affected as a result of the reduced availability of law enforcement officers.

(j) "Trainee" means a person who is enrolled in a basic training course at a training school.

(k) "Training school" means a training organization operated by a law enforcement agency to provide basic training courses. This term shall include the training center. (Authorized by K.S.A. 2011 Supp. 74-5603, as amended by L. 2012, ch. 89, sec. 3, and K.S.A. 2011 Supp. 74-5607, as amended by L. 2012, ch. 89, sec. 5; implementing K.S.A. 2011 Supp. 74-5603, as amended by L. 2012, ch. 89, sec. 3, K.S.A. 2011 Supp. 74-5604a, K.S.A. 2011 Supp. 74-5607, as amended by L. 2012, ch. 89, sec. 5, and K.S.A. 74-5616, as amended by L. 2012, ch. 89, sec. 8; effective, T-106-6-28-12, July 1, 2012; effective Oct. 12, 2012.)

106-2-2. Certain misdemeanors constituting grounds for disqualification of applicants. Pursuant to K.S.A. 74-5605 and amendments thereto, an applicant shall not have had a conviction for misdemeanor theft, as defined in K.S.A. 2011 Supp. 21-5801 and amendments thereto, occurring within 12 months before the date of application for certification. (Authorized by and implementing K.S.A. 2011 Supp. 74-5605, as amended by L. 2012, ch. 89, sec. 4; effective, T-106-6-28-12, July 1, 2012; effective Oct. 12, 2012.)

106-2-2a. Certain misdemeanors constituting grounds for denial or discipline. (a) Pursuant to K.S.A. 74-5616 and amendments thereto, an applicant or officer shall not engage in conduct, whether or not charged as a crime or resulting in a conviction, that would constitute any of the following misdemeanor offenses:

(1) Vehicular homicide, as defined in K.S.A. 2011 Supp. 21-5406 and amendments thereto;

(2) interference with parental custody, as defined in K.S.A. 2011 Supp. 21-5409 and amendments thereto;

(3) interference with custody of a committed person, as defined in K.S.A. 2011 Supp. 21-5410 and amendments thereto;

(4) criminal restraint, as defined in K.S.A. 2011 Supp. 21-5411 and amendments thereto;

(5) assault or assault of a law enforcement of-

ficer, as defined in K.S.A. 2011 Supp. 21-5412 and amendments thereto;

(6) battery, battery against a law enforcement officer, or battery against a school employee, as defined in K.S.A. 2011 Supp. 21-5413 and amendments thereto;

(7) mistreatment of a confined person, as defined in K.S.A. 2011 Supp. 21-5416 and amendments thereto;

(8) mistreatment of a dependent adult, as defined in K.S.A. 2011 Supp. 21-5417 and amendments thereto;

(9) unlawful administration of a substance, as defined in K.S.A. 2011 Supp. 21-5425 and amendments thereto;

(10) stalking, as defined in K.S.A. 2011 Supp. 21-5427 and amendments thereto;

(11) criminal sodomy, as defined in K.S.A. 2011 Supp. 21-5504(a)(2) and amendments thereto;

(12) sexual battery, as defined in K.S.A. 2011 Supp. 21-5505 and amendments thereto;

(13) lewd and lascivious behavior, as defined in K.S.A. 2011 Supp. 21-5513 and amendments thereto;

(14) endangering a child, as defined in K.S.A. 2011 Supp. 21-5601 and amendments thereto;

(15) contributing to a child's misconduct or deprivation, as defined in K.S.A. 2011 Supp. 21-5603 and amendments thereto;

(16) furnishing alcoholic liquor or cereal malt beverage to a minor, as defined in K.S.A. 2011 Supp. 21-5607 and amendments thereto;

(17) except when related to a legitimate law enforcement purpose, unlawful cultivation or distribution of controlled substances, as defined in K.S.A. 2011 Supp. 21-5705 and amendments thereto;

(18) except when related to a legitimate law enforcement purpose, unlawful possession of controlled substances, as defined in K.S.A. 2011 Supp. 21-5706 and amendments thereto;

(19) except when related to a legitimate law enforcement purpose, unlawfully obtaining and distributing a prescription-only drug, as defined in K.S.A. 2011 Supp. 21-5708 and amendments thereto;

(20) except when related to a legitimate law enforcement purpose, unlawful possession of certain drug precursors and paraphernalia, as defined in K.S.A. 2011 Supp. 21-5709 and amendments thereto;

(21) except when related to a legitimate law enforcement purpose, unlawful distribution of cer-

tain drug precursors and drug paraphernalia, as defined in K.S.A. 2011 Supp. 21-5710 and amendments thereto;

(22) except when related to a legitimate law enforcement purpose, unlawful abuse of toxic vapors, as defined in K.S.A. 2011 Supp. 21-5712 and amendments thereto;

(23) except when related to a legitimate law enforcement purpose, unlawful distribution or possession of a simulated controlled substance, as defined in K.S.A. 2011 Supp. 21-5713 and amendments thereto;

(24) except when related to a legitimate law enforcement purpose, unlawful representation that noncontrolled substance is controlled substance, as defined in K.S.A. 2011 Supp. 21-5714 and amendments thereto;

(25) unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage, as defined in K.S.A. 2011 Supp. 21-5608 and amendments thereto;

(26) theft, as defined in K.S.A. 2011 Supp. 21-5801 and amendments thereto;

(27) theft of property lost, mislaid or delivered by mistake, as defined in K.S.A. 2011 Supp. 21-5802 and amendments thereto;

(28) criminal deprivation of property, as defined in K.S.A. 2011 Supp. 21-5803 and amendments thereto;

(29) criminal trespass, as defined in K.S.A. 2011 Supp. 21-5808 and amendments thereto;

(30) criminal damage to property, as defined in K.S.A. 2011 Supp. 21-5813 and amendments thereto;

(31) giving a worthless check, as defined in K.S.A. 2011 Supp. 21-5821 and amendments thereto;

(32) counterfeiting, as defined in K.S.A. 2011 Supp. 21-5825 and amendments thereto;

(33) criminal use of a financial card, as defined in K.S.A. 2011 Supp. 21-5828 and amendments thereto;

(34) unlawful acts concerning computers, as defined in K.S.A. 2011 Supp. 21-5839 and amendments thereto;

(35) interference with law enforcement, as defined in K.S.A. 2011 Supp. 21-5904 and amendments thereto;

(36) interference with the judicial process, as defined in K.S.A. 2011 Supp. 21-5905 and amendments thereto;

(37) criminal disclosure of a warrant, as defined

in K.S.A. 2011 Supp. 21-5906 and amendments thereto;

(38) simulating legal process, as defined in K.S.A. 2011 Supp. 21-5907 and amendments thereto;

(39) intimidation of a witness or victim, as defined in K.S.A. 2011 Supp. 21-5909 and amendments thereto;

(40) obstructing apprehension or prosecution, as defined in K.S.A. 2011 Supp. 21-5913 and amendments thereto;

(41) false impersonation, as defined in K.S.A. 2011 Supp. 21-5917 and amendments thereto;

(42) tampering with a public record, as defined in K.S.A. 2011 Supp. 21-5920 and amendments thereto;

(43) tampering with a public notice, as defined in K.S.A. 2011 Supp. 21-5921 and amendments thereto;

(44) violation of a protective order, as defined in K.S.A. 2011 Supp. 21-5924 and amendments thereto;

(45) official misconduct, as defined in K.S.A. 2011 Supp. 21-6002 and amendments thereto;

(46) misuse of public funds, as defined in K.S.A. 2011 Supp. 21-6005 and amendments thereto;

(47) breach of privacy, as defined in K.S.A. 2011 Supp. 21-6101 and amendments thereto;

(48) denial of civil rights, as defined in K.S.A. 2011 Supp. 21-6102 and amendments thereto;

(49) criminal false communication, as defined in K.S.A. 2011 Supp. 21-6103 and amendments thereto;

(50) disorderly conduct, as defined in K.S.A. 2011 Supp. 21-6203 and amendments thereto;

(51) harassment by telecommunication device, as defined in K.S.A. 2011 Supp. 21-6206 and amendments thereto;

(52) criminal distribution of firearms to a felon, as defined in K.S.A. 2011 Supp. 21-6303 and amendments thereto;

(53) promoting obscenity or promoting obscenity to minors, as defined in K.S.A. 2011 Supp. 21-6401 and amendments thereto;

(54) promotion to minors of material harmful to minors, as defined in K.S.A. 2011 Supp. 21-6402 and amendments thereto;

(55) except when related to a legitimate law enforcement purpose, prostitution, as defined in K.S.A. 2011 Supp. 21-6419 and amendments thereto;

(56) except when related to a legitimate law enforcement purpose, promoting prostitution, as de-

fined in K.S.A. 2011 Supp. 21-6420 and amendments thereto;

(57) except when related to a legitimate law enforcement purpose, patronizing a prostitute, as defined in K.S.A. 2011 Supp. 21-6421 and amendments thereto; or

(58) a second or subsequent occurrence of driving under the influence, as defined in K.S.A. 8-1567 and amendments thereto.

(b) In determining any conduct that requires the intent to permanently deprive an owner or lessor of the possession, use, or benefit of property, prima facie evidence of intent shall include any act described in K.S.A. 2011 Supp. 21-5804, and amendments thereto.

(c) A certified copy of the order or journal entry documenting conviction of a misdemeanor shall constitute prima facie evidence of having engaged in such conduct. (Authorized by and implementing K.S.A. 2011 Supp. 74-5616, as amended by L. 2012, ch. 89, sec. 8; effective, T-106-6-28-12, July 1, 2012; effective Oct. 12, 2012.)

106-2-3. Unprofessional conduct. “Unprofessional conduct,” pursuant to K.S.A. 74-5616 and amendments thereto, means any of the following:

(a) Willfully or repeatedly violating one or more regulations promulgated by the commission;

(b) having had a license, certification, or other credential to act as an officer denied, revoked, conditioned, or suspended; having been publicly or privately reprimanded or censured by the licensing authority of another state, agency of the United States government, territory of the United States, or country; or having had other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States, or country. A certified copy of the record or order of public or private reprimand or censure, denial, suspension, condition, revocation, or other disciplinary action of the licensing authority of another state, agency of the United States government, territory of the United States, or country shall constitute prima facie evidence of such a fact for purposes of this subsection;

(c) willfully failing to report to the appointing authority or its designee knowledge gained through observation that another officer engaged in conduct that would be grounds for discipline by the commission;

(d) willfully disclosing criminal history record

information or other information designated as confidential by statute or regulation, except for a legitimate law enforcement purpose or when required by order of a court or agency of competent jurisdiction;

(e) taking, threatening to take, or failing to take action as an officer if the action is or reasonably would appear to be motivated by a familial, financial, social, sexual, romantic, physical, intimate, or emotional relationship;

(f) using excessive physical force in carrying out a law enforcement objective. As used in this subsection, physical force shall be deemed excessive if it is greater than what a reasonable and prudent officer would use under the circumstances;

(g) exploiting or misusing the position as an officer to obtain an opportunity or benefit that would not be available but for that position;

(h) exploiting or misusing the position as an officer to establish or attempt to establish a financial, social, sexual, romantic, physical, intimate, or emotional relationship;

(i) failing to report, in the manner required by the revised Kansas code for care of children, reasonable suspicion that a child has been harmed as a result of physical, mental, or emotional abuse or neglect; or

(j) engaging in any of the following conduct, except for a legitimate law enforcement purpose:

(1) Intentionally using a false or deceptive statement in any official document or official communication;

(2) committing conduct likely to endanger the public;

(3) performing duties as an officer while using or under the influence of alcohol;

(4) using any prescription-only drug, as defined by K.S.A. 65-1626 and amendments thereto, that impairs the officer's skill or judgment in performance of duties as an officer; or

(5) using any controlled substance that is unlawful to possess, as defined by K.S.A. 2011 Supp. 21-5706 and amendments thereto. (Authorized by and implementing K.S.A. 2011 Supp. 74-5616, as amended by L. 2012, ch. 89, sec. 8; effective, T-106-6-28-12, July 1, 2012; effective Oct. 12, 2012.)

106-2-4. Good moral character. (a) “Good moral character,” pursuant to K.S.A. 74-5605 and amendments thereto, shall include the following personal traits or qualities:

(1) Integrity;

(2) honesty;

(3) upholding the laws of the state and nation;
(4) conduct that warrants the public trust; and
(5) upholding the oath required for certification as specified in K.A.R. 106-3-6.

(b) Any single incident or event may suffice to show that an applicant or licensee lacks or has failed to maintain good moral character. (Authorized by K.S.A. 2011 Supp. 74-5607, as amended by L. 2012, ch. 89, sec. 5; implementing K.S.A. 2011 Supp. 74-5605, as amended by L. 2012, ch. 89, sec. 4; effective, T-106-6-28-12, July 1, 2012; effective Oct. 12, 2012.)

Article 3.—OFFICER CERTIFICATION STANDARDS

106-3-1. Provisional certificate conditioned on attendance at next available basic training course. Each provisional certificate issued to an officer newly appointed or elected on a provisional basis shall be conditioned upon the officer's attendance at the next available basic training course, unless the appointing authority gives written notice and a detailed explanation to the director of police training of both of the following:

(a) The required attendance creates a public safety concern.

(b) The officer should be permitted to attend a subsequent basic training course scheduled to commence within the officer's provisional appointment. (Authorized by K.S.A. 2011 Supp. 74-5607, as amended by L. 2012, ch. 89, sec. 5; implementing K.S.A. 2011 Supp. 74-5607a, as amended by L. 2012, ch. 89, sec. 6; effective, T-106-6-28-12, July 1, 2012; effective Oct. 12, 2012.)

106-3-2. Provisional certification; working as officer during basic training course. Each officer who has been granted provisional certification shall work as an officer while enrolled and attending a basic training course only as required by the course curriculum, except whenever the director of police training announces that the training center is closed or otherwise will not conduct basic training courses. (Authorized by and implementing K.S.A. 2011 Supp. 74-5607, as amended by L. 2012, ch. 89, sec. 5; effective, T-106-6-28-12, July 1, 2012; effective Oct. 12, 2012.)

106-3-3. Standards for approval of psychological testing. (a) Each assessment of an applicant for certification that is performed to determine the absence of a mental or personality

disorder shall, at a minimum, include a psychological test that is generally accepted in the community of licensed psychologists to be valid for law enforcement candidate selection consistent with the standards provided by the society for industrial and organizational psychology, inc. in "principles for the validation and use of personnel selection procedures," fourth edition, dated 2003. Pages 3 through 61 of this document are hereby adopted by reference.

(b) Each psychological test administered shall be scored and interpreted according to the recommendations of the test's publisher and by a person appropriately licensed to score and interpret psychological testing. (Authorized by K.S.A. 2011 Supp. 74-5607, as amended by L. 2012, ch. 89, sec. 5; implementing K.S.A. 2011 Supp. 74-5605, as amended by L. 2012, ch. 89, sec. 4; effective, T-106-6-28-12, July 1, 2012; effective Oct. 12, 2012.)

106-3-4. Verification of high school equivalence. Verification of "the equivalent of a high school education," pursuant to K.S.A. 74-5605 and amendments thereto, shall mean any of the following:

(a) A general education development (GED) credential;

(b) proof of program completion and hours of instruction at a non-accredited private secondary school registered with the state board of education of Kansas, or of the state in which instruction was completed, and a score in at least the 50th percentile on either of the following tests:

(1) American college test (ACT); or

(2) scholastic aptitude test (SAT); or

(c) proof of admission to a postsecondary state educational institution accredited by the Kansas state board of regents or by another accrediting body having minimum admission standards at least as stringent as those of the Kansas state board of regents. (Authorized by and implementing K.S.A. 2011 Supp. 74-5605, as amended by L. 2012, ch. 89, sec. 4; effective, T-106-6-28-12, July 1, 2012; effective Oct. 12, 2012.)

106-3-5. Determination of work hours for part-time certification. Calculation of the number of work hours for part-time certification of an officer shall be based on a calendar year and shall include the total cumulative number of hours that the officer worked for each appointing authority during a calendar year. (Authorized by K.S.A. 2011 Supp. 74-5607, as amended by L.

2012, ch. 89, sec. 5; implementing K.S.A. 2011 Supp. 74-5602, as amended by L. 2012, ch. 89, sec. 2, and K.S.A. 2011 Supp. 74-5607a, as amended by L. 2012, ch. 89, sec. 6; effective, T-106-6-28-12, July 1, 2012; effective Oct. 12, 2012.)

106-3-6. Oath required for certification.

As a condition to certification as an officer, each applicant shall swear or affirm the following: "On my honor, I will never betray my badge, my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the constitution of the United States and of the state of Kansas, my community, and the agency I serve." (Authorized by and implementing K.S.A. 2011 Supp. 74-5607, as amended by L. 2012, ch. 89, sec. 5; effective, T-106-6-28-12, July 1, 2012; effective Oct. 12, 2012.)

Article 4.—TRAINING SCHOOL STANDARDS

106-4-1. Approval of training schools.

Each training school offering a basic training course shall meet the requirements of this regulation for approval by the commission:

(a) Each training school shall be certified by the director of police training. The administrator of each training school seeking certification shall submit the following in writing to the director of police training at least 45 days before the proposed date of operation:

(1) A completed application on a form furnished by the director of police training;

(2) a description of the basic training course to be offered that demonstrates that the course meets or exceeds the training objectives of the basic training course curriculum adopted pursuant to K.S.A. 74-5603, and amendments thereto;

(3) a description of the requirements for the satisfactory completion of a basic training course offered by the training school;

(4) a description of each facility where the basic training course will be conducted; and

(5) a list of the instructors who will provide training, along with a summary of their qualifications to instruct.

(b) Requirements for the successful completion of a basic training course shall include the following:

(1) Written testing that is designed to assess the trainees' learning. The design of the test instrument, the testing procedures, the testing results

to be included in the final average score, and the method for calculating the final average score shall be developed by the training school. Each trainee shall be required to achieve a final average score of at least 70 percent on written testing;

(2) firearms proficiency that demonstrates a qualifying score of at least 70 percent on a course of fire approved by the director of police training;

(3) emergency vehicle operation proficiency as determined by the training school based upon the requirements of the approved curriculum, the driving facilities, and the space available;

(4) demonstrated understanding of the legal limitations of an officer's authority to use force evaluated by written or performance assessments, or a combination of both, with a description of the assessments and the standard for successful completion;

(5) other written or performance assessments specified by the training school, with a description of each assessment and the standard for successful completion;

(6) a requirement that each trainee attend at least 90 percent of the basic training course and successfully complete all coursework in the approved curriculum; and

(7) a requirement that trainees attend 100 percent of the mandated training in firearms and emergency vehicle operation.

(c) The equipment and the facilities where each basic training course is conducted shall provide a safe and effective learning environment and shall include the following at a minimum:

(1) Classroom space and instructional equipment conducive to learning;

(2) a firing range;

(3) a driver training area for emergency vehicle operation; and

(4) space and equipment for training in physical and defensive tactics.

(d) Each instructor providing instruction in a basic training course shall be knowledgeable in both the subject area to be taught and instructional methodology. Each instructor providing firearms instruction in a basic training course shall have satisfactorily completed a course for firearms instructors provided by the training center or other training authority. Each instructor providing emergency vehicle operation instruction shall have satisfactorily completed a course for emergency vehicle operation instruction provided by the training center or other training authority.

(e) At the completion of each basic training

course offered by a training school, the school administrator shall submit to the director of police training evidence of successful completion for each officer enrolled in the basic training course who has satisfied the requirements provided to the director of police training in the initial application for school certification.

(f) Each training school shall maintain records of all basic training courses offered. Records may be maintained in electronic format. The records shall include the following:

(1) A master copy of all written testing instruments;

(2) a schedule of all training provided during the basic training course;

(3) a record of daily trainee attendance;

(4) a list of each trainee enrolled in the basic training course, whether the trainee successfully completed the basic training course; and

(5) a record of scores or other measures of evaluation for each trainee that assess each trainee's successful completion of all requirements.

(g) In determining whether to certify a training school, the director of police training may consider both the information contained in the current application for certification and the manner in which the training school has previously been operated. The director of police training may refuse to certify a training school upon a finding of any of the following:

(1) The training either proposed or actually provided by the training school does not meet or ex-

ceed the training objectives of the appropriate approved basic training course.

(2) The instructors who are designated in the application for certification or who actually provide instruction in a basic training course do not meet the minimum qualifications for instructors.

(3) The facilities either proposed in the application or actually used in the basic training course fail to provide a safe and effective learning environment.

(4) The written or performance assessments either proposed in the application or actually used in the training course do not meet the standards provided or otherwise do not provide a basis for evaluation that satisfies the director of police training that the trainees will meet or have met the learning objectives specified in a basic training course curriculum.

(5) With the assistance or knowledge of the training school staff, trainees have met in whole or in part requirements for successful completion by fraud, misrepresentation, or cheating on or attempting to subvert the validity of examinations or assessments.

(6) The approved basic training course as described in the training school application for certification deviates from the basic training course as actually administered.

(h) The certification of each training school shall expire one year from the date of issuance. (Authorized by and implementing K.S.A. 2011 Supp. 74-5607, as amended by L. 2012, ch. 89, sec. 5, and K.S.A. 2011 Supp. 74-5604a; effective, T-106-6-28-12, July 1, 2012; effective Oct. 12, 2012.)